IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 12472 of 1995

Between:

M.B.R Cooperative Society Limited(Regd.) Rep. by Secretary D.Hanumanth Rao,
TAB-401, Hyderabad Office at H.No. 12-2-828/A/18,
Amba Garden, Mehdipatnam, Hyderabad28

..... PETITIONER

AND

1 The Collector, Hyderabad District,
Hyderabad
2 The Special Officer and Competent Authority under Urban Vacant Land Ceiling Act,
Gaganvilor, Mukhramjahi Road,
Hyderabad.
3 The Government of Andhra Pradesh Rep By Secretary,
Revenue Department, Secretariat,
Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction in the nature of Writ of Mandamus (i) holding that the demolition of 10 houses of members of the petitioner's society on 18-6-1995 by the officials of the Respondent No.1 and the Respondent No.2 as illegal, arbitrary and high handed and (ii) restraining them from indulging in any act of further demolition of the existing houses of the members of the petitioner's society or interfering in any other manner with the possession of the petitioner's society in the land admeasuring Ac.7.26 guntas in survey Nos. 86 to 90 and 92 situated at Hakeempet Village, Golconda Mandal, Hyderabad.

Counsel for the Petitioner: MR.C.P.SARATHY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.12472 OF 1995

ORDER:

This writ petition is filed by the petitioner-Society seeking a writ of mandamus questioning the demolition of the houses constructed by its members in the land admeasuring Ac.7.20 guntas in Survey No.86 to 90 and 92 situated at Hakimpet village, Golkonda mandal of Hyderabad district.

It is the case of the petitioner-Society that the said land actually belongs to one Sri Qhudrat Ali and the society has agreed to purchase part of the land held by the said Qhudrat Ali and entered into an agreement of sale on 15.3.1982. It is further stated that in pursuance of the agreement, the members of the petitioner-Society came into possession of the land in question and constructed houses and an application was also moved to exempt the land in question from the provisions of the Urban Land (Ceiling and Regulation) Act,1976 (for short 'the Act').

In the counter filed on behalf of the second respondent-Special Officer and Competent Authority, it is stated that the said Qhudrat Ali had filed statement in Form-I under Section 6(1) of the Act declaring the total extent of land held by him in Hakimpet village in various survey numbers as Ac.31.32 cents. It is further stated that after enquiry final orders were passed holding that the said declarant held excess land to an extent of 66279.76 square metres in survey Nos.26, 30, 63, 86 to 90, and 95 to 98 situated at Hakimpet village. Pursuant to said final order further steps were taken under Sections 10(1), 10(5) and 10(6) of the Act and possession was taken and the land was handed over to the Mandal Revenue Officer on 6.8.1988. They further denied filing of any application by the petitioner-Society seeking exemption in terms of G.O.Ms.No.136, dated 18.1.1981.

The very claim of the petitioner-Society is pursuant to agreement of sale dated 15.3.1982. Inasmuch as the said land is in the urban agglomeration, unless exemption is granted, either the petitioner or its members cannot enter into possession of the said land. However, no such exemption is granted. In the counter the very receipt of the application, alleged to have been filed in terms of G.O.Ms.No.136, dated 18.1.1981, is denied. In that view of the matter and in the absence of any exemption or the permission granted by the competent authority, the members of the petitioner-Society cannot raise any structures by entering into possession of the land. In that view of the matter no grounds are made out to grant the relief as prayed for in this writ petition. The writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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(JUSTICE R.SUBHASH REDDY)

Dt.18.02.2005.

Mdaa.

..... REGISTRAR

To

1 The Collector, Hyderabad District,
Hyderabad
2 The Special Officer and Competent Authority under Urban Vacant Land Ceiling Act,
Gaganvilor, Mukhramjahi Road,
Hyderabad.
3 The Secretary, Government of Andhra Pradesh,
Revenue Department, Secretariat,
Hyderabad

4. Two C.Cs to G.P.for Revenue, High Court of A.P., Hyderabad (OUT).

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